

Before the  
Federal Communications Commission  
Washington, DC

CG Docket No. 02-278

In the Matter of Rules and Regulations Implementing the Telephone Consumer  
Protection Act of 1991

TO THE COMMISSION:

My name is April Jordan. First, I must relay my strong opinion that cellular phones must NEVER become a target for telemarketers. As a parent that purchased multiple phones for emergency use among family members, I must not EVER be concerned with any of my minor children receiving a telemarketing call during his/her class hours or during a school performance or competition! The tool that has been purchased and service maintained for use in an appropriate parent-monitored manner must be able to be subject ONLY to be used in the manner intended by the purchaser, not the business industry. I did not and do not intend for my children to become targets of telemarketers. I wholly urge this Commission to adopt this policy and enforce it to the fullest extent of the law. I have in the past year received unwanted solicitations to my cell number by sales companies. This becomes an even greater issue when combined with my family's interaction with extreme telemarketing abuse to my home number in recent years.

Secondly, I urge the Commission to amend the Telephone Consumer Protection Act of 1991, to address a serious problem my family has experienced. This problem concerns the matter of inmate telemarketing.

My comments have been previously filed with the FTC during their comment period for the Telemarketing Sales Rule in detail. I was also informed that the FTC was in communication with the FCC

over the violations. I will not go into detail in this comment concerning my experience, but will mention that the facts are available via the FTC's comments posted on their website.

While many states have decided to no longer use inmates for telemarketing, this business sector still has a small following such as in the states of Arizona and North Carolina. The FTC has, according to the panel discussion held during July 28, 2000, agreed that inmate telemarketing should be listed as an abusive practice, thereby dissolving the practice of hiring inmates for telemarketing purposes. [TSR Transcript July 28, 2000 page 367 and following] The FCC should also concur as the panel assembled did truly encompass multiple perspectives within the telemarketing sector: private, legal, business, political, as well as both anti-telemarketing and pro-telemarketing sentiments.

This past year, the legal entities discussed whether the issue should be placed in the hands of the FTC or the FCC. [FTC Rulemaking Workshop, Session 3, Friday, June 7, 2002, page 115 and following] I believe that both entities should work together for the good of the consumer. If President George W. Bush truly believes that inmates should not have access to personal information as stated in the letter I received, then both commissions are charged with the responsibility. Letter reads, "Inmates should not have access to personal data about individuals. During my tenure as Governor of Texas, we have phased out jobs allowing Texas inmates access to personal information in order to protect the privacy of law-abiding citizens." [FTC Rulemaking Workshop, Session 3, Friday, June 7, 2002, mentioned pg 116]

The system implemented for use by inmate telemarketers usually includes an automated dialer connecting the call to the inmate(s) once the call/phone is answered.

Additionally, I am including multiple newspaper articles regarding the practice of inmate telemarketing. Please carefully review.

Finally, concerning Right of Action and Individual Complaints, the individual MUST be allowed to file suit for first time offenses as it is usually the first time offense on the part of the recipient, not the company! In my past experience, the Attorney Generals' responses in both states concerned, were

apathetic at best! Regardless of the violation, their statements were basically "no purchase, no help!" The Right of Action is the ONLY action available to the consumer and must remain available to us.

## Articles

**Chicago Sun-Times – November 25<sup>th</sup>, 1999** – “Prisoners Cited in Credit Fraud; Report Points to Government Contracts” (By Richard Powelson)

State prison inmates working on government contracts involving telephone contact with the public have used credit card numbers and other personal information to commit fraud or harass customers, a congressional report has found.

Prisons in at least 20 states, including Illinois, have contracted with local, state or federal governments to handle records that in some cases reveal people's names, addresses, telephone numbers, birth dates, Social Security numbers or even credit card numbers.

The U.S. General Accounting Office said that 1,400 inmates work on contracts that give them access to some personal information. About 61,500 of 1.2 million federal and state inmates work in all prison industries, the study said.

The GAO cited just nine instances of fraud or abuse and did not determine whether the problem is widespread, spokesman Richard Stana said.

Among the findings by the GAO, a congressional agency that audits federal programs:

A South Dakota inmate, involved in a contract that handled motel reservations by telephone, used a credit card number provided by a caller for fraudulent purchases. The reservations contract was ended.

A California inmate who had worked on a telemarketing contract was paroled and used credit card numbers he obtained from his prison job. The telemarketing contract was ended.

In South Carolina, an inmate on a telemarketing contract selling local newspaper subscriptions made repeated calls to one person, prompting a complaint and an end to that program.

In Oklahoma, two inmates removed copies of two birth certificates from a controlled room despite a pat-down search procedure. The Postal Service for an unspecified reason returned the mail to the prison, where the documents were intercepted. The inmates were removed from the work program.

The GAO said the "breaches of security and misuses of personal information are a cause for concern."

Federal prison officials had only 25 inmates in work programs with access to Social Security numbers but ended the program anyhow, the Justice Department said.

**Milwaukee Journal Sentinel – February 10, 1999 – “Personal Data Shield from Inmates Sought; Thompson Wants to Keep Credit Card, Social Security Numbers from Prisoners” (By Amy Rinard)**

New restrictions on access by prison inmates to personal information such as credit card and Social Security numbers will be proposed by Gov. Tommy G. Thompson next week in his budget bill, administration officials said Tuesday.

Thompson also will propose the creation of a blue ribbon commission on privacy composed of business and privacy advocates that will research privacy issues and recommend any needed legislation.

Wisconsin prison inmates have in recent years taken pledges for the Leukemia Society, answered state lottery calls and taken Christmas orders for the Monroe-based food and gift retailer Swiss Colony.

Last year, inmates were put to work answering telephone queries about the temporary Amtrak commuter rail service between Milwaukee and Watertown.

Under Thompson's proposal, prison inmates would be prohibited from having access to credit card, checking account and Social Security numbers.

Prison officials have said that having prisoners do telemarketing and data entry has caused no problems and that security precautions are in place to protect the public.

Despite those assurances, the practice has been criticized by privacy advocates, including Rep. Marlin Schneider (D-Wisconsin Rapids), who has become the Legislature's most outspoken advocate of privacy rights.

Schneider said Tuesday he was "overjoyed and thrilled" that Thompson had decided to address the important issue of privacy rights in his budget bill.

"This issue is so overwhelming to our liberty and our freedom," he said. "I wish the governor had taken a few more of my ideas."

He was especially pleased by Thompson's plan to create a blue ribbon commission to recommend further privacy-related legislation.

"It's major progress. It gives legitimacy to this issue," he said.

He welcomed the plan to limit access by prison inmates to certain personal information, but Schneider said inmates should not be allowed to do any work involving computer data entry.

**SHOW: ABC PRIMETIME LIVE (10:00 pm ET)**

**FEBRUARY 18, 1998**

Transcript # 98021803-j08

**TYPE: PACKAGE**

**SECTION: NEWS**

LENGTH: 2265 words

**HEADLINE: INMATES INC.**

**BYLINE: CHRIS WALLACE, SAM DONALDSON**

HIGHLIGHT:

HOW YOUR PERSONAL INFO ENDS UP IN CONVICTS' HANDS

BODY:

SAM DONALDSON: We all have a sense that our privacy is eroding, but wait until you hear this. It turns out that some of your most personal information can routinely end up in the hands of criminals behind bars. How? Chief correspondent Chris Wallace tells us. Chris?

CHRIS WALLACE, ABC News: Sam, the big surprise about how inmates get access to private information is that it's part of their job. In prisons across the country, inmates go to work every day processing personal records for government and private companies. It's enough to make you think twice the next time you fill out a form or get a call from a salesman.

PATRICK CARVER, Employed Inmate: It's just that by purchasing these films what you are doing is you're keeping alive a company that's committed to providing more of the kind of entertainment that you want to see.

CHRIS WALLACE: (voice-over) Patrick Carver is a telemarketer, and he's good at it. Within seconds, he can get your name, phone number, even ask for referrals.

PATRICK CARVER: Who can you think of first? Anybody in your family maybe?

CHRIS WALLACE: (voice-over) But what people at the other end of the line don't know is Patrick Carver is a convicted felon, doing time for burglary, forgery and theft. One of dozens of inmates making sales calls from inside a Utah state prison.

PATRICK CARVER: Thanks again for your support, and you have a wonderful day.

PRISON GUARD: Step on in over there. I want that good and straight.

CHRIS WALLACE: (voice-over) Chances are, you think prison work programs look like this—convicts laboring in the fields or in factories. But in 33 states, prisoners do different work that lets them get their hands on some of your most private information.

(Telephone rings)

Planning a trip to Iowa?

CHUCK, Employed Inmate: Iowa Tourism. This is Chuck. What can I do for you?

CHRIS WALLACE: (voice-over) Call the state's 800 number, and you may wind up telling an inmate in maximum security where you live and when you'll be away.

(on camera) Hello, TWA? Yeah. I'd like to make a reservation.

(voice-over) And the next time you call TWA, that ticket agent may be a convict at the youth detention center in Ventura, California. That never occurred to Augie Pisano when he booked a ticket on TWA a few years ago.

(on camera) Did you have any idea you were talking to an inmate in a prison?

AUGIE PISANO: No. I had no idea at all.

CHRIS WALLACE: (voice-over) Police say he was talking to Carl Simmons, a convicted thief selected by TWA to be one of its inmate agents. As soon as Simmons was released, he went on a spending spree. Pisano realized something was wrong when he started getting bills—more than \$9,000 for computers and then...

(on camera) ...\$4,400 for women's lingerie?

AUGIE PISANO: That's correct.

CHRIS WALLACE: What did you think was going on?

AUGIE PISANO: I couldn't believe it. I was just astonished about it.

CHRIS WALLACE: (voice-over) When police caught Simmons, they found the credit card numbers of more than 60 TWA customers.

(on camera) TWA says they're giving criminals a skill. They're helping rehabilitate them.

AUGIE PISANO: It's nice that they want to help people. But dealing with people over the phone and credit cards and I didn't think that was very smart.

CHRIS WALLACE: (voice-over) Why would a company risk letting felons see your private information? Like almost all the others, TWA won't discuss its program. But Michael Clapier, who up until recently worked for **Sandstar Family Entertainment**, did agree to explain his company's decision to open a sales office inside a Utah prison.

MICHAEL CLAPIER, **Sandstar Family Entertainment**: We're finding that they're very courteous, that they're very hard- working. They're trying to do a good job.

CHRIS WALLACE: (voice-over) Clapier says his company hires inmates because they're a stable and cheap workforce and because it wants to teach them a skill. They sell wholesome family movies.

INMATE EMPLOYED BY SANDSTAR: Free of any profanity, and there's no graphic violence and there is no sexual content.

CHRIS WALLACE: (voice-over) But some of the sales force isn't so wholesome.

(on camera) Are there murderers?

MICHAEL CLAPIER: I don't know.

CHRIS WALLACE: But there could be?

MICHAEL CLAPIER: Sure.

CHRIS WALLACE: Rapists?

MICHAEL CLAPIER: Could be.

CHRIS WALLACE: Isn't it asking for trouble to have them in contact with people on the outside taking phone numbers, addresses, information about friends? Isn't it asking for trouble to have them do that?

MICHAEL CLAPIER: If you take the—if you take the most negative turn of life, yeah. You could be asking for trouble.

BEVERLY DENNIS: I will never feel safe and secure again as I did before this happened.

CHRIS WALLACE: (voice-over) Trouble is exactly what Beverly Dennis got. And what happened to this hard-working grandmother from Ohio shows the risks of using prison labor.

BEVERLY DENNIS: There you go. See you tomorrow.

CHRIS WALLACE: (voice-over) Beverly has two jobs but still struggles to make ends meet. So when another company, Metromail, sent a consumer survey like this to her home, she didn't mind filling it out. Beverly got more than she bargained for.

BEVERLY DENNIS: I wanted just what it said on the front. You will receive free coupons and samples. Instead, I got a handwritten 12-page sexually explicit letter that is so frightening.

CHRIS WALLACE: (voice-over) Frightening because the writer knew so much about her—her favorite soap, the magazines she read, that she's divorced. He described his sexual fantasies about her and signed the letter, "With all my love, Hal."

BEVERLY DENNIS: I just felt like I was raped by mail. I have no idea who this person is. Why would they say these things to me?

HAL PARFAIT, Inmate: I wrote it.

CHRIS WALLACE: (on camera) Your handwriting?

HAL PARFAIT: Yeah, sure is. Looks like it.

CHRIS WALLACE: (voice-over) Meet Hal Parfait, an inmate serving a seven and a half year sentence for breaking into a neighbor's house and raping her. Why did he get in touch with Beverly Dennis? He says just to write a letter.

(on camera) You wrote some pretty personal things to this woman.

HAL PARFAIT: Yes, I sure did.

CHRIS WALLACE: "Making love, intimate."

HAL PARFAIT: Exactly, exactly.

CHRIS WALLACE: You used all kinds of personal information...

HAL PARFAIT: Right.

CHRIS WALLACE:...to make it sound like you knew everything about this woman.

HAL PARFAIT: Right.

CHRIS WALLACE: Beverly Dennis says your letter terrified her.

HAL PARFAIT: Probably did. I'm sure it did. Really. I'm sure it did.

CHRIS WALLACE: How did Hal Parfait ever get his hands on such personal information about Beverly Dennis? Well, believe it or not, it was part of his job here at the Wynne prison in Huntsville, Texas. The prison had a contract for inmates to take information from consumer surveys and enter it into computers. Inmates doing time for such crimes as murder, robbery and rape.

(voice-over) Parfait says he and other inmates were amazed at the information they saw—everything from what appliances people own to how much money they make. Parfait says he bought information about Beverly Dennis from a fellow prisoner.

(on camera) You got all this information...

HAL PARFAIT:...for 25 cents.

CHRIS WALLACE: And that's what a person's personal life is worth here in the prison?

HAL PARFAIT: Apparently so.

CHRIS WALLACE: A quarter?

HAL PARFAIT: Yeah, 25 cents.



CHRIS WALLACE: (voice-over) Texas prisons no longer accept private work but saved taxpayers more than \$3 million in 1996 doing work for government agencies. Touring prison work areas, we saw tax records, court rulings, patients' medical files—the most sensitive information, all being thumbed through by felons, including murderers and, up until last September, sex offenders, like convicted child molester David Oshields. He says he saw plenty while working with car title applications.

DAVID OSHIELDS, Inmate: Phone numbers, Social Security numbers.

CHRIS WALLACE: (on camera) How do you think most people would feel if they knew that some of their most private personal information is being thumbed through by convicted criminals?

DAVID OSHIELDS: It would probably make people pretty paranoid.

CHRIS WALLACE: (voice-over) Larry Fitzgerald, spokesman for the Texas prisons, insists security has been beefed up.

LARRY FITZGERALD, Texas Prison Spokesman: If we have to strip-search them seven times a day, we'd do it.

CHRIS WALLACE: (voice-over) There are daily, thorough strip searches. Inmates face felony charges if they remove documents from the workplace. Fitzgerald says sensitive information is safer here than on the outside.

LARRY FITZGERALD: In the free world, what guarantee do you have when you, Chris, give out your Social Security number to somebody or your credit card? What guarantee do you have that that's not going to be misused?

CHRIS WALLACE: (voice-over) So prisoners keep handling sensitive information, and consumers are the last to know.

RUSTY WEBER, Employed Inmate: This is Rusty Weber with Sandstar Family Entertainment.

CHRIS WALLACE: (voice-over) Like other telemarketers, Sandstar instructs its inmate sales force not to mention they're calling from prison. The company says that information isn't pertinent.

(on camera) Do you think that's fair to your customers?

MICHAEL CLAPIER: I don't believe that it's unfair to the customer.

CHRIS WALLACE: And how do you think they would react if they knew? Do you think they might be a little bit less likely to give their address, their phone number, the names and phone numbers of six of their friends?

MICHAEL CLAPIER: I don't know.

CHRIS WALLACE: (voice-over) Even when a company gets in trouble, that may not stop it from using prison labor. Remember Augie Pisano, whose credit card number was used by a TWA inmate/agent a few years ago?

(on camera) What do you understand TWA's policy to be now about using inmates?

AUGIE PISANO: I think they stopped the program.

CHRIS WALLACE: Why do you say that?

AUGIE PISANO: I think they realized they made a mistake.

CHRIS WALLACE: What if I told you you're wrong, that TWA still to this day...

AUGIE PISANO: Is that right?

CHRIS WALLACE: If you got on a phone right now, it might be an inmate who picked up the phone on the other line.

AUGIE PISANO: That's amazing to hear that. It obviously didn't mean anything to them. But it means a lot to me. Maybe if one of the representatives of TWA had the same situation with me, maybe they would think twice about what they're doing.

CHRIS WALLACE: (voice-over) Which brings us back to the company that sent Beverly Dennis' consumer survey to a rapist. Metromail, which would not speak with us on camera, called the case unfortunate. But in court documents, they argue that Dennis filled out their survey voluntarily.

(on camera) They say you gave up your right to privacy.

BEVERLY DENNIS: No, I did not, because I didn't know how I was giving out that information. I did not want it to go to a prisoner. That's for certain. To someone who is dangerous? To endanger my life? No way.

CHRIS WALLACE: (voice-over) Beverly Dennis is suing Metromail, claiming it recklessly endangered her life by sending her survey, and thousands of others, to criminals.

BEVERLY DENNIS: Well, these are the two pipes that I brought home from work.

CHRIS WALLACE: (voice-over) She sleeps with these pipes by her bed, well aware that Hal Parfait, the man who wrote he wanted to visit her, is due to be released in less than eight months.

(on camera) And how does that make you feel?

BEVERLY DENNIS: Oh, I can't—there's no—I cannot put it into words. I am just—I am so scared.

HAL PARFAIT: She can relax, because I'm not going that way.

CHRIS WALLACE: (voice-over) Parfait says he has no interest in ever seeing Beverly Dennis. But he has a warning about all that personal information in the hands of prisoners around the country.

HAL PARFAIT: Your life is for sale for 25 cents. No matter if it's in Texas or California or Florida or West Virginia, anywhere. You know. It all depends on the information that you want.

CHRIS WALLACE: (on camera) As we told you when this report first aired last fall, Metromail says it learned a lesson from what happened to Beverly Dennis and no longer uses prison labor. And Sandstar tells us it no longer allows its prison telemarketers to see people's addresses. But several companies which still use inmates refused to discuss their programs with us, some saying they need to protect their own privacy.

ANNOUNCER: Dr. Nancy Snyderman looks at a new prescription for weight loss.

SANDRA STEIN: It's better than any other diet pill I've ever taken.

ANNOUNCER: Could it work for you? When PrimeTime continues.

(Commercial Break)

LANGUAGE: ENGLISH

LOAD-DATE: February 19, 1998

**The Seattle Times – January 1, 1998 – “Inmate Says He Sent Out Two Cards – 200 Other Names Found in his Cell” (By Keiko Morris)**

A Redmond woman who discovered she had an unwanted pen pal at the Clallam Bay Corrections Center may not have been the only one, according to corrections officials.

The convicted rapist who sent the woman a suggestive Christmas card told investigators that he had mailed another card to a person he had spoken with while working the information phone lines for the state Department of Parks and Recreation, said Howard Yarbrough, manager of the state's Correctional Industries.

The inmate was one of several employed in a telemarketing-job program at the close-custody prison (one step below maximum security). The inmates answered the department's information hotline and sent maps, brochures and other information to callers about campgrounds and other park facilities.

"During questioning this same guy said he sent out two Christmas cards with personal notes inside," Yarbrough said.

Officials suspended the telemarketing operation and began investigating the program's security measures early last month after Alison Hamman reported receiving a suggestive Christmas card from inmate Parker Charles Stanphill. Hamman had called for campground information and given her address.

Two other telemarketing programs were also shut down, one with the state Department of Ecology and another with the state Board of Community and Technical Colleges.

Yarbrough also confirmed that a list of about 200 names and addresses were found in Stanphill's cell. No further information about the list or the second letter will be released until after the investigation is completed late next week, he said.

Sue Zemek, spokeswoman for Parks and Recreation, said the department is aware of only the one incident involving Hamman. Clallam Bay Corrections staff members are now manning the information line, and starting Monday Parks and Recreation staff members will field all hotline calls in Olympia. Zemek said people also can report complaints using that number (1-800-233-0321).

Before the 2-year-old program began, park officials debated whether the department should hire its own staff members or contract a private business to better market state parks, she said. But budget cuts made those options too expensive. Convinced that monitoring the inmates would be sufficient, the department went ahead with the program at Clallam Bay.

"I think we went into it as an agency really concerned about public safety. We made a judgment call and for two years we were right," she said. ". . . We thought there were enough security measures. Now we've been proven wrong."

The issue of using inmates as telemarketers has received considerable attention in recent months. Last month, the ABC news program 20/20 reported that a major airline uses inmates to take reservations and record callers' credit-card information, as well as their names and addresses.

In Washington state, only one private company, Washington Marketing Group, uses inmates to place calls, Yarbrough said. Prisoners handle everything from voter drives to charity fund-raisers.

The purpose of these work programs is to help inmates develop job skills and reduce the likelihood that they will return to prison after their release, Yarbrough said.

Stanphill was convicted of rape in Franklin County and in Arizona. Now serving a sentence of 10 years and nine months, he has been placed in solitary confinement.

Knowledge of Stanphill's background was unsettling for Hamman, who received the Christmas card

nearly eight months after she had called the hotline.

Hamman expressed shock and anger that criminals would be able to interact with the public and have access to personal information.

"If you knew you were talking to a rapist, would you give out your name and address?" she asked. "I see it as a potential threat to my family's safety that this man had my address."

Information from Associated Press reports is included in this story.

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The Seattle Times – January 22, 1998 – "Program With Inmates Probably Won't Restart" (By Keiko Morris; Seattle Times Eastside Bureau)

A telemarketing job program for state prisoners, suspended after a convicted rapist sent a suggestive card to a Redmond woman, likely won't be resumed, and two officials in the Department of Corrections have been reassigned.

An investigation into the program at the Clallam Bay Corrections Center revealed that prisoners answering calls about the state park system were too loosely monitored.

In addition to sending letters to callers who were unaware they had been talking to convicts, some inmates used the toll-free line for personal calls and, in one case, tried to smuggle in drugs.

Corrections officials yesterday released findings of a monthlong investigation into the prison-work program and fielded questions from legislators on the state House Criminal Justice Corrections Committee in Olympia.

Officials from the state Department of Parks and Recreation, the agency that hired Correctional Industries to run its parks hotline, also attended the hearing.

The 2-year-old program was halted last month after a Redmond woman reported receiving a suggestive Christmas card from Parker Stanphill, a convicted rapist. The woman, who had assumed he was a ranger, had given Stanphill her name and address to receive information.

Investigators found that Stanphill also sent a card to a Vancouver, Wash., woman and had collected addresses of women in Seattle and Shoreline. Inmate Michael Massingale, a convicted child rapist, had attempted to converse with a Vancouver woman using the hotline.

Stanphill and other inmates used the hotline for personal calls, which led to Stanphill's dismissal from the program.

Dave Savage, deputy secretary of Correctional Operations, said he would appoint a new superintendent to replace Robert Wright at Clallam Bay, effective today. The Corrections Industries site manager, David Wattnem, has been reassigned.

Sue Zemek, spokeswoman for the Parks Department, said it will cost four times as much to run the program without inmate workers, but the department isn't willing to take further chances.

As a result of the investigation, corrections officials have barred sex offenders from any prison work in which they might have contact with the public. They also suggest reviewing the criteria used to place inmates in jobs. Now, most work programs consider inmates' prison behavior, rather than their criminal records.

**May 21, 2000**

**Inmate's Attempt to Contact Girl Buffets Prison Work Program  
Corrections Still Committed To Inmate Labor  
BY GREG BURTON THE SALT LAKE TRIBUNE**

The letter arrived in February, addressed to a Utah girl.

"Hi, how are you doing? I am fine. My name is David . . ." The words, scrawled on lined paper, offered endearments and then subtly delved deeper. And then the subtlety ended:

"By the way, do you have a boyfriend? . . . If you will be willing to go out with me, will you answer these questions honestly as to what you will be willing to do with me . . . holding hands, French kissing, fondling each other" and so on, into more explicit sexual suggestions.

The girl's mother intercepted the letter, written by an inmate at the Utah State Prison, and forwarded it to Utah Attorney General Jan Graham.

Prison officials are investigating the matter.

The incident and others like it have shaken the Utah Department of Corrections and increased concerns about inmate jobs that place private facts about the public under the noses of prisoners working for the state's lucrative inmate labor program. In many ways, the investigation has dovetailed with issues raised by another recent prison probe, launched when an inmate software designer, who killed himself before he could be interviewed, purportedly masterminded a computer-security breach at the Draper prison.

"The age of computers has presented new challenges that require increased expertise on our part," says Corrections Director Pete Haun, an advocate for prisoner education and job training. "We need to take a good, hard look at it."

In the case of the letter writer, inmate David Hunsaker worked as a telemarketer for Utah's SandStar Family Films, a primarily no-sex, no-violence movie distribution company based in Utah. Last February, a 15-year-old Utah girl was home when another inmate telemarketer, given a random telephone number and name, drew out the girl's address. That inmate, whom prison officials decline to name, allegedly bartered the girl's information to Hunsaker while the two sat among a bank of phones inside the Point of the Mountain prison.

Prison officials would not discuss their investigation, but according to documents obtained in a records request by The Salt Lake Tribune, Assistant Attorney General Jim Beadles asked Haun and his deputies to expedite their inquiry.

"As you can imagine, the parents are petrified," Beadles wrote to Haun in an e-mail dated March 7. "I ask that this request be given some urgency."

In the parents' letter to Graham, also obtained under Utah's Government Records and Management Act, the girl's mother said her daughter "worried about it for days wondering where she could go hide when Mr. Hunsaker gets out. . . . **Our concern is how can we protect or prevent letters like this going to innocent young children?"**

The Utah parents are not alone in their fear. Also in February, a Texas mother says another Utah inmate telemarketer asked her daughter intrusive questions. Her complaint, too, was fielded by the Utah Attorney General's Office. In each case, the inmates acquired private information despite protections against such intrusions—including the taping of inmate calls, conversation monitoring and prohibitions against inmates writing down what they hear.

**Clamping Down:** Soon after the Attorney General's Office learned of the incidents, inmates at the prison call centers were forced to undergo strip searches before entering and exiting the Utah Correctional Industries (UCI) facility inside the Draper prison, one inmate says.

"Nobody's having much fun now," the inmate, who said he feared retaliation if prison officials learned he had talked, told The Tribune.

"We are in the process of analyzing the whole arena of prison industries," says Haun. "It very well could create changes, either through the implementation of new policy or the elimination of some of the offender jobs."

But scaling back Utah's prison labor program—one of the nation's leading inmate employers—could be a tough sell and an even harder financial divorce. Inmate labor produces \$12 million in annual sales for Corrections, although the income is plowed back into UCI programs. Success has funded additional prison staff at UCI and paid for technically advanced offices and capital improvements that otherwise would be impossible given the slow growth of state budgets.

"You've got to take common-sense precautions, but in general work is good," says Morgan Reynolds of the National Center for Policy Analysis, a private, nonprofit think tank. "Humane work for wages to produce a quality project is an advantage, not only for the inmate but for society in general. It's going to improve public safety in the long run, especially because having a job and job skills is the biggest reducer of recidivism that we know of."

**Effect on Recidivism:** While factors affecting recidivism are difficult to gauge, a recent study by the Federal Bureau of Prisons found inmates employed in federal inmate labor programs were 24 percent more likely than nonemployed inmates to find jobs upon release and remain crime-free for up to 12 years thereafter.

On April 6, bureau Director Kathleen Hawk Sawyer told members of the U.S. Senate Judiciary Committee that prison industries were an "important rehabilitation tool that provides inmates an opportunity to develop work ethics and skills that can be used upon release from prison."

The federal prison work program's mission, she said, was to "employ, instill good work habits in and provide skills training to as many inmates as possible; contribute to the safety and security of federal prisons by keeping inmates constructively occupied; produce market-priced, quality goods for federal government customers; operate in a self-sustaining manner; and minimize its impact on private business and labor."

The director of Utah's inmate-labor program echoes those goals and says UCI's programs reduce prisoner recidivism as well as or better than the federal program.

"You always look at yourself and ponder what you are contributing, but I can definitely say I'm still proud of what we are doing and where we are going," says Dick Clasby, who was a displaced aerospace worker from California when he became a guard and then, 20 years ago, a part of Utah's inmate labor program. Back then, stamping license plates and slaughtering beef were standard inmate jobs.

Today, UCI employees write software, repair computers for schools, build state-office furniture, print technical journals, read for the blind and answer phones for the Utah Travel Council. They sew, upholster, clean up asbestos and copy precise blueprints for state buildings onto microfilm.

And they still pound out license plates and process meat.

**National Leader:** For a decade, Utah has either led the nation or been close to the top in the percentage of inmates employed in its prison labor program. About 850, or 18 percent, of Utah inmates work for UCI, according to the prison's 1999 annual report. The national average is about 6 percent.

"If nothing else, it's a management tool. People who work are productively involved, their minds are busy, they are not sitting around stewing in their own juice," Clasby says. "We always have setbacks. You just try to roll with the punches, correct what we've done wrong and go again."

There is no consensus about how prison-labor programs affect recidivism. Critics argue the best inmates are chosen for the best jobs and success naturally follows.

Chris Mitchell, director of planning research at Corrections, says success "is going to be distorted a little bit. People who participate in the programs have already selected themselves as people who want success."

And even though UCI has added 500 inmate employees since 1990, Utah's three-year recidivism rate has held steady over the same period, at between 31 percent and 32 percent.

UCI's success is mitigated by failures such as the telemarketing fiasco. Still, prison officials say inmate exposure to the family-friendly people at SandStar has been positive.

SandStar executives say they are committed to the program and satisfied by the prison's response. UCI, which previously monitored only a few inmate telemarketing conversations, is adding equipment to allow real-time monitoring of 10 additional conversations. SandStar has hired five more employees whose sole responsibility will be to monitor inmate calls, and inmate work stations have been turned to face the wall so, Clasby says, "inmates can't see where our inmate work staff is."

'Farsighted' Program: David Anderson, Sandstar's president, says his company initially teamed with UCI because it was a "farsighted correctional program."

"The goal is to provide positive and productive experiences to a selected universe of inmates," he told The Tribune in a written response to queries. The programs, he says, "provide the individual inmate the much-needed personal dignity of, in some part, making a responsible contribution to personal and family financial commitments."

Indeed, inmate salaries are divided, with weighted portions reserved for payment of fines, victims' restitution and prisoner savings accounts. Not only do inmates from UCI walk out prison gates with transferable job skills, they generally are carrying more than the traditional \$100 that other freed inmates receive.

While assessing the success or failure of inmate labor, Reynolds, the national policy analyst, says Utahns should resist a knee-jerk reaction.

"There's a parallel here to any business," he says. "The problem of betrayal of employees is a bigger problem than shoplifting. All businesses have a problem with corruption and theft. It's just more visible behind bars."

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### ***May 23, 2000***

The Herald Journal on May 23, 2000

Prison mail inspires fear

By Jeremy B. Pugh, staff writer

An inmate at the Utah State Prison who sent a suggestive letter to a 15-year-old Utah girl last February also sent a letter to a 27-year-old Northern Utah woman. Prison officials said this morning they were not aware of the second letter.

According to an article in the Salt Lake Tribune, David Hunsaker, 24, obtained the address of the 15-year-old recipient while working as a telemarketer for Utah's SandStar Films, which contracts with the prison for inmate labor. Jack Ford, spokesman for the Utah Department of Corrections, told The Herald Journal he was not aware of the letter to the 27-year-old, and thus could not say how Hunsaker obtained her address, which is unlisted.

Hunsaker is serving a zero- to five-year sentence for forgery that will expire July 13, and Utah Board of Pardons official John Green said the board has no cause to keep him in prison beyond that date.

"Once July 13, 2000, comes, the board has no jurisdiction over him," Green said. "He served all five years of his sentence."

The 27-year-old who received the letter spoke to The Herald Journal on the condition of anonymity. The letter arrived May 8.

"I thought it was a joke," she said. "But I did some digging and I still don't know how he got my name. The letter implies he knows what I look like and he asks for my picture. I'm scared."

The 15-year-old's letter arrived in February and was forwarded by the girl's mother to the Utah Attorney General's Office, which initiated an investigation, the Tribune article stated. Officials at the Attorney General's Office said this morning the investigation has been taken over by the Utah Department of Corrections.

"Here he sends this letter in February and they know about it and I get one in May," the 27-year-old said. "Aren't they monitoring his mail? Something?"

Ford said inmates are often put on "mail watch" if there has been a problem but he did not know if Hunsaker's mail was scrutinized.

Hunsaker's letter opens innocently enough. He introduces himself as a person looking for companionship.

"I am wondering, are you married or have a boyfriend?" he writes. "If not, will you go out with me?"

He discusses future plans and then informs the recipient that he is an inmate at the prison and will be released on July 13. The letter closes with a rudimentary, 10-question "yes-no" survey that asks the woman what level of relationship she would desire. Hunsaker begins by asking if she would be up for "holding hands" and then he denigrates to "kinky stuff."

The letter's 27-year-old recipient said she first contacted the Cache County Sheriff's Office, which referred her to the Utah Board of Pardons, whose officials basically told her they could do nothing.

"They cannot prolong his sentence," she said, echoing Green's statement. "Once he's out the police have no jurisdiction over him, they can't do anything unless he commits a crime."

Green said Hunsaker was scheduled to be paroled to a halfway house on June 13, but that parole has been revoked and a hearing will be scheduled. Green, however, wouldn't say if the letter was the reason the parole was revoked.

"They have taken away his parole date because somebody's complained about something," Green said. "That complaint has to be serious because once a guy has a parole date it can't be taken away unless there is justification."

The 27-year-old sent a letter to the Board of Pardons asking for a no-contact clause to be put on the terms of his parole.

"I feel strongly that my personal safety is in jeopardy," she wrote. "... I want it known that he is absolutely not to have any written, electronic or physical contact with me. He is not to stalk me in any way and that must be stated in his parole agreement. I reaffirm the fact that he is a threat to me and my family, society in general and this is an extremely grave matter."

However, regardless of the one-month-parole revocation, Hunsaker will be released on July 13, leaving the 27-year-old frustrated and in fear.

**"Nothing is going to be done, nothing," the woman said. "It's not right. I've been told I could hire a private attorney and get a restraining order but that would put me in more danger because he'd know who I am. I can't believe that I have to make time in my life for a person that I don't even know and is not even here."**



Ford said this morning that the matter is under investigation and couldn't comment on the investigation's status. He did say that prison officials were not aware of Hunsaker's letter to the 27-year-old. They were only aware of the February letter to the 15-year-old.

According to the Tribune article, Hunsaker was working as a telemarketer and obtained the 15-year-old's name and address from another inmate who had coaxed the information out of her while she was home alone. That inmate, whom prison officials declined to name, allegedly bartered the girl's information to Hunsaker.

Officials at the Cache County Attorney's Office said they have notified Northern Utah law enforcement officials about the situation and Hunsaker's impending release. But because he hasn't violated any law by simply writing a letter, no charges will be brought against him. Cache Victim's Advocate Terry Warner said the matter raises some serious questions about privacy issues.

"This woman is not listed, but a credit card company could sell her name and address to a telemarketing firm and then it ends up in the prison," Warner said.

***May 24, 2000***

## **Inmate Sends 2nd Suggestive Letter Wednesday, May 24, 2000**

GREG BURTON

THE SALT LAKE TRIBUNE

Two months after an inmate telemarketer's sexually suggestive letter to a Utah girl prompted an investigation into inmate-labor procedures at the Utah State Prison, the same inmate apparently mailed a similar letter to a different Utah woman.

"I just want people to know nothing has been done, this is still going on and who knows how many more girls, how many females, have received this letter," the 27-year-old woman, who asked not to be identified, told The Salt Lake Tribune. "To me, he's violating us. I don't know what you'd call it. He shouldn't have access to information like that."

In both letters, inmate David Hunsaker tells his targets that he got their names from an inmate he worked with at a Utah telemarketing firm that operates a call center at the Point of the Mountain prison. Some officials believe those names were plucked from the inmate's computer TelePrompTer, although prison investigators will not say if they have confirmed those suspicions.

Hunsaker sent a letter to the first recipient, a 15-year-old girl, in February. Her parents forwarded the letter and a complaint to Utah Attorney General Jan Graham.

The cases have lawmakers questioning whether inmates should be employed as telemarketers. Sen. Michael Waddoups, R-Taylorsville, said Hunsaker's letters may be discussed by lawmakers this summer.

"We have to realize who [the inmates] are, and maybe this is one industry where they shouldn't be employed," he said.

The latest recipient says she has never received a call from the telemarketing firm, SandStar Family Entertainment. But she did order exercise videotapes through a company that advertises on television, and she suspects her personal information may have been sold to SandStar, a distributor for family-oriented

films.

"I was very terrified when this happened," the woman said. "My exact thoughts were the same as this little girl had -- 'How do I know this person isn't capable of hunting somebody down?'"

Hunsaker was admonished and removed from his telemarketing job in March after the first incident, prison officials said. "The county attorney is looking at possible criminal charges," Assistant Attorney General Jim Beadles wrote to Department of Corrections Director Pete Haun in a March 7 e-mail obtained by The Tribune.

Even so, the second letter, which prison administrators were unaware of until a reporter called Monday, did not arrive at the 27-year-old's home until May 8.

While the prison can, and often does, screen the correspondence of problem inmates, that policy apparently was not invoked with Hunsaker -- even after Beadles asked the prison to conduct a speedy and thorough investigation. "We very rarely review mail unless the inmate is on mail watch," said prison spokesman Jack Ford. "How he came by this latest name... we don't know. The matter is being looked into."

Hunsaker, in prison on a 1994 Box Elder forgery conviction, was scheduled to be paroled from Draper to a halfway house on June 13. After complaints, Utah's Board of Pardons and Parole rescinded the date, said John Green, the board's executive director. Hunsaker's sentence, though, terminates on July 13. "If he is not charged criminally then he will walk out the front door. That's it," Greensaid.

In the letters, Hunsaker talks about his pending release as a springboard to a potential rendezvous. "I have something I want to tell you and I hope I don't scare you," he wrote to the 15-year-old in a letter obtained by The Tribune. "I was hoping that after I get out that we can get together, spend time getting to know you, and if possible spend a weekend together." Hunsaker includes a questionnaire about what he would like to do with the targets of the letters, a list that progresses from kissing to fondling to fathering children.

On Tuesday, Ford said the prison would release a copy of Hunsaker's photograph to the 27-year-old so she could identify Hunsaker if he tried to contact her.

Cache County Attorney Scott Wyatt, whose office is assisting one of the letter recipients, said the prison should do everything in its power to aid Hunsaker's targets. "If the Department of Corrections has a difficult time policing this kind of activity and people under their control are creating a threatening environment for law-abiding women who have no connection with this guy,... it is incumbent on the state of Utah to help... the victims assess the threat," he said.

The 27-year-old Utah woman agrees. **"It seems like he has more rights than me," she said. "What I want to know is how are they going to stop this from happening, not only to me, but to anyone else?"**

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**May 26, 2000**

**State May Hang Up On Inmates  
Friday, May 26, 2000**

BY GREG BURTON  
(c) 2000, THE SALT LAKE TRIBUNE

Utah's Travel Council and Department of Commerce may stop using inmate employees who for the past three years have answered thousands of calls from people unaware they were sharing private information with prisoners. In many cases, would-be visitors to the Beehive State gave their names and addresses to sex offenders at Utah State Prison in Draper via an 800 number operated by the Utah Travel Council but staffed by inmates sitting at the prison's call center.

At other times, juveniles working on school projects chatted with prisoners answering calls for the Utah Department of Commerce's Division of Corporations. Neither the Commerce Department nor Travel Council requires inmates to identify themselves. As of today, the calls continue to pour into the call center.

While Commerce officials say they know of no instance where the information was misused, the Director of the Division of Corporations recently met with prison brass after The Salt Lake Tribune reported a spate of inappropriate contacts between inmate telemarketers and women they have met through work over the phone. "These incidents are driving us to re-evaluate our relationship," said Commerce spokesman Kim Morris. "We are giving inmates information that I guess someone can use and that does concern us."

State officials say there is pressure to disband the prison call center. Agencies that use prisoners may instead hire permanent state employees to answer the same calls. They also may contract with a private company that operates its own call center.

"Either of those options are more costly than what we are doing now," said Spencer Kinard, assistant director of the Utah Travel Council. "But under the current atmosphere of inmates having access to personal data, that is simply unacceptable to some people."

The Commerce Department's contract with the Utah Department of Corrections and Utah Correctional Industries (UCI), the department's inmate labor arm, is up for renewal in August. The Travel Council's UCI contract expires in December, although the agency still pays UCI \$7.50 an hour for three inmate employees, who receive only a portion of that pay.

Corrections spokesman Jesse Gallegos said the prison is hopeful a compromise may save the call center. "If together we cannot do that . . . we are not going to jeopardize security for the sake of that inmate labor pool."

As many as three families -- two in Utah and one in Texas -- have recently filed complaints about inmate telemarketers who used their jobs to funnel private information about their family or their daughters to other inmates. At least one inmate used the information to send sexually suggestive letters.

But that inmate, convicted forger David Hunsaker, apparently did nothing illegal, Gallegos said. Still, prison officials will screen the inmate's outgoing mail until he leaves prison in July.

Last month, the mother of one of Hunsaker's targets delivered a complaint to the Federal Trade Commission, which is fielding hundreds of public comments on federal telemarketing regulations and the practices of firms that solicit sales over the phone.

In a letter to the FTC obtained by The Tribune, April Jordan of Texas said, "My family is the victim of prisoners in the Utah state prison system who have been hired by a private telemarketer to sell goods to people across the country."

Jordan told Utah prison officials in February that her daughter answered a phone call meant for her from a man soliciting family-oriented films for Utah's SandStar Family Entertainment.

Officials at SandStar, a company being considered for a \$100,000 state grant from Utah's Industrial Assistance Fund, say they have a policy of "zero tolerance" for inmate misbehavior. However, they say, the telemarketing jobs provide valuable skills to inmates who want to improve their lives.

But the cost is too great, said Jordan, whose 15-year-old daughter received a suggestive inmate letter. "The nature of the telemarketing plan permits criminals to obtain and use personal data on individuals, including children, without any idea that they are giving private information to criminals," Jordan told the FTC.

"Anyone who is called by a prisoner should be told that fact very clearly at the beginning of the first call, and in every later contact." On Wednesday, a former Commerce employee told The Tribune she complained to Commerce officials about the prison call center two years ago after an inmate she trained to use the agency's database sent her a letter filled with pornography.

The inmate later signed the woman up for a subscription to Playboy magazine. "It's scary, as a woman," said Cindy Draper, who quit in July after receiving another inmate letter.

"The inmates are allowed to give out addresses, business addresses, officers of corporations, limited liability members, registered agents. People don't know who they are talking to."

Morris said after Draper's complaint, Commerce switched to a male-only training staff for inmate employees.

If the prison call center survives, Morris and Kinard said they may require inmates to identify themselves.

But both said that if callers knew who they were talking to, the program probably would fail.

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**August 3, 1999**  
**Associated Press (AP) Newswires**  
**Associated Press Newswires**

**Convicts are a dependable workforce, says manager**

GREAT FALLS, Mont. (AP) - State inmates at the regional jail here are working as telemarketers, and officials say precautions have been taken to avoid the abuses that have marred such operations in other states.

Since May the inmates have pitched a voicemail system for telecommunications giant MCI under contract with Inmark International LLC, a Las Vegas company that markets by phone in several states under different arrangements, from prisons to big offices to homes.

The reason for hiring inmates, says Steve Hatfield, a Telemark manager, is simple: "I need people who are there every day."

He said Telemark had to staff a 250-desk facility in Nevada with only 75 workers, despite hiring by the hundreds.

If inmates quit before their six-month contract ends, they could be "written up" for breaking jail rules.

Hatfield says the work seems to have a positive effect on the inmates.

"We train them to become customer service reps in the future, getting them to talk in a professional manner," he said. Inmates also may earn a certificate to use in future job-seeking.

Glen Davis of Montana Correctional Enterprises at Montana State Prison in Deer Lodge agrees that the inmates benefit. "We teach them a work ethic. We teach them a job skill," Davis said. "Most of these guys don't have any discipline in their lives. That's why they're here."

At least 17 states now have programs involving prisoners working with the public over the telephone.

Some programs have drawn criticism for allowing prisoners access to people's credit card numbers, bank records, home addresses and other information that could be exploited. Montana officials say they have avoided those pitfalls.

Chief Capt. Dan O'Fallon, jail administrator, said he made certain prisoners would never call anyone in Montana's 406 area code so they are unlikely to talk to with friends, witnesses or victims.

The process begins when a computer in another state dials the number and makes

theales pitch. Most people hang up, but those interested have their calls transferred to the jail. If the inmate persuades the prospect to buy, the call is transferred to a "verifier" in Utah, who collects the information and makes sure any agreement is clear. No credit cards are involved, and calls are recorded and monitored by people somewhere else.

The Cascade County jail has room for 12 inmates to work but is slated for an expansion that will allow about 20. With multiple shifts, about 50 prisoners, or a third of the inmate population, could work there.

The telemarketing jobs pay minimum wage. Deductions are made for taxes, any court-ordered restitution, and a percentage for a crime victims fund. A portion goes to the prison to offset incarceration costs. In the end, telemarketing inmates make less than \$1.30 an hour. In contrast, most prison jobs such as custodial and kitchen work bring in about \$1.50 a day.

Critics question the morality of such inmate-labor programs as well as their economics.

"When we begin to contract out prison labor with the private sector, we're approaching the same kind of moral codes of some of our trading partners," said Don Judge, executive secretary of the Montana AFL-CIO, an association of labor unions. He was referring to the People's Republic of China, which has long been accused of using forced labor in its prisons.

"Why is the state involved in providing minimum-wage jobs to the private sector?" Judge asked. "It does nothing to improve the wages and benefits of the people of Montana."

He also doubts the usefulness of the skill the inmates learn and scoffs at claims that telemarketers cannot find good workers in today's tight labor market.

"It's only tight because they can't find people to work at such a low wage," he said.

### ***May 8, 2000***

KRLD, a local Dallas talk radio station, took calls from the public in response to the issues relayed by my family's incident. During this time, a caller stated that her niece had been contacted by an inmate telemarketer from the State Prison located in Atica. There was stalking of the young lady upon the inmate's release.

## **Hutchinson News: Reserve Account**

Friday, August 18<sup>th</sup> 2000

[The News Staff](#)

Now that Kansas prison inmates have started working for a telemarketing firm and will soon begin dialing businesses around the country, the Department of Corrections might as well set up a reserve account to pay future special claims against the state.

The claims will happen. It's only a matter of time.

No amount of intense supervision can eliminate the risks associated with having inmates make telemarketing calls.

Earlier this year, Hutchinson Correctional Facility officials signed a contract with White Wolf Telemarketing Co. The firm this month started training 30 inmates to work as telemarketers.

Correction officials assure Kansans that computers, not inmates, will dial the phone numbers.

They pledge that the firm will only load a list of out-of-state business phone numbers into the computer data bank.

They guarantee that inmates will read from a script to sell Internet Web pages to business owners and managers.

They vow that while the inmates will have access to business addresses and phone numbers, they will not have access to individuals' credit card numbers or Social Security numbers.

And the officials swear that once a business owner or manager expresses interest in purchasing the product, inmates will transfer the call to a third-party verifier - a non-inmate White Wolf employee - who will close the sale.

Unfortunately, the risks associated with this program far outweigh the benefits.

It makes sense to have inmates work on a variety of public works projects, such as mowing grass and trimming weeds on public property. But few people would unknowingly invite those same inmate workers onto private property to do yard work around a business.

Yet the state has entered into a deal which will allow inmates to gain entry via the telephone to businesses around the country.

Despite assurances from correction department officials and White Wolf managers, the project represents a special claim against the state waiting to happen.

It's simply not worth the risk.

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## TOURISTS' FIRST CONTACT: PRISONERS

### Female Inmates Answer State's Information Line

BY DONOVAN SLACK

THE VIRGINIAN-PILOT

August 12, 2001

RALEIGH \_ Marilyn Mahaley earns her living answering questions about where to vacation in North Carolina, but she won't be going on a vacation herself for a long, long time.

Mahaley is serving a life sentence for first-degree murder.

She is one of about 35 inmates at the North Carolina Correctional Institute for Women who answer phones for 1-800-VISIT-NC, the state's toll-free tourism information line.

The operators are all convicted felons serving sentences of 10 years or longer for crimes ranging from kidnapping and robbery to first-degree murder.

Inmates like Mahaley field questions and record information, as well as mail brochures, maps and other requested publications to callers.

"We can't tell them how much a gallon of gas is or how much a loaf of bread costs, but we do the best we can," Mahaley said.

Although other states shut down similar programs in recent years because male inmates misused personal information obtained from callers, North Carolina's program has operated using female inmates only, almost without incident, for nearly 12 years.

When people dial the toll-free number for North Carolina tourism information, phones ring in a small, nondescript building on the edge of the maximum-security prison compound in Raleigh. Apart from the razor-wire fence that surrounds the building and the inmates' institutional-blue uniforms, the call center looks like a regular office.

Wearing telephone headpieces and sitting in a row of cubicles, inmates ask callers a variety of questions, including what areas of the state and what types of accommodations they are interested in, as well as when they are planning their vacations.

They then record callers' names, telephone numbers and addresses to mail them further information.

About 150,000 people call 1-800-VISIT-NC each year, most of them from Virginia and the Carolinas.

Michael Ledford, who runs the call center at the women's prison in Raleigh, said he attributes the program's relatively clean record to gender. Female inmates behave differently, he said.

"Most females are in prison because of self-esteem issues," said Ledford, who has worked in prisons for 26 years. "This is a helping thing that adds to their self-esteem."

It makes them feel like useful members of society, he said.

Inmates are screened heavily before assignment to the tourism program, he said. All calls to the toll-free number are recorded and can be monitored if needed.

Of the 1,050 inmates at the prison, only about 35 are allowed to work at the call center. Of those 35, Ledford said, many are serving sentences for committing crimes against their mates, relatives or close friends.

Mahaley was convicted of conspiring with a boyfriend to strangle her husband, a crime that originally earned her a death sentence. She spent three and a half years on death row before the Supreme Court reduced her sentence to life in prison.

"I can't think about my situation every day or I'd go crazy," said Mahaley, who is 45 years old and has a 14-year-old daughter. "The only dream I have is that my 76-year-old mother will still be alive when I get out."

Mahaley is scheduled to be released in 2016. In the meantime, she said she cherishes her job at the tourism information call center, where she works closely with supervisors. One of Mahaley's duties is to train inmates who are new to the program.

"It's like having a real job," she said. "The most difficult part is memorizing and remembering all the information."

Representatives of state and local agencies visit the prison two or three times a month and give presentations to the women about what's happening in North Carolina.

"The inmates can't go out and see the state, so the state comes here," said Chris Mackey, tourism director for the North Carolina Department of Commerce, Division of Tourism, Film and Sports Development \_ the agency that pays the prison for the convicts' labor.



Inmates who work in the air-conditioned tourism building said despite all the memorization, answering the information line is the best job at the prison.

The call center pays inmates \$3 per day, compared with yard work, the second-best assignment, at \$1 per day. Dining-hall duty is the worst job, paying only 40 cents per day, inmates said.

Earnings are split between payments for victim restitution and prisoners' personal accounts, which they can draw from to buy products at the prison commissary.

Inmate Rebecca Davenport is thrilled with her new job at the call center. The 24-year-old is the newest staff member and has been answering calls since April.

Davenport, an Elizabeth City native, was convicted of planning a robbery of a private home in which two people were shot.

"I've never really stayed longer than six months in a job, but I love it here," she said.

When callers have questions about the Outer Banks, Davenport said she draws from her experiences growing up there. As a girl, she said, she used to clean cottages in Nags Head and knew the area well.

Her favorite place to recommend? A beach on Roanoke Sound behind Jockey's Ridge.

"It's great for families that have young children who can't swim in the ocean," she said.

So far, Davenport has served five months of her 15-year sentence.

"I have full family support \_ I get mail every night," said Davenport, who has a 4-year-old son and a 2-year-old daughter. "It's not a walk in the park, but it's definitely what I needed."

Davenport said she planned the robbery of her boyfriend's house last year because she was addicted to cocaine.

"I would take it any way I could get it \_ snort it, smoke it, shoot it," she said. "I was going very far down the wrong path."

The thought of spending the next 15 years behind bars is not something Davenport lets herself think about. She prefers to take her sentence one day at a time, she said.

And her job at the call center helps her do that.

"I want to get everything I can out of my time here," she said. "Through the program, I am helping people with their plans for their families, and helping other people helps me."

## **Misuse of Data a Problem in Other States**

BY DONOVAN SLACK

### **THE VIRGINIAN-PILOT**

August 12, 2001

Although North Carolina's prison call center has operated without incident for nearly 12 years, similar programs in other states have been fraught with problems.

Inmate call-centers often require the risky practice of having members of the public give their names, addresses and phone numbers to convicted felons.

Besides fielding tourism inquiries, inmates have worked the phones while telemarketing newspaper subscriptions, conducting consumer surveys and answering prison telephone lines.

At least 15 incidences of inmates' misuse of personal information have been recorded during the last 10 years.

And those problems have turned up the heat on call center operations across the nation.

In California and South Dakota, inmates were prosecuted for theft after they used credit card numbers obtained while working as airline and hotel reservations agents.

Male convicts in Oklahoma, Texas, New Mexico and New York used names and addresses they got over the phone to send provocative letters.

A convicted rapist in Washington mailed suggestive Christmas cards to two women whose information he obtained through answering a toll-free information line for the state department of parks and recreation. When authorities searched the inmate's cell, they found names and addresses of 200 other women.

Officials in many of these states, including Washington, shut down the inmate call centers. Utah hung up on their program after a prisoner harassed a 14-year-old girl in Texas. The girl's mother was so upset, she took her fight against prison call centers all the way to Washington, D.C., where she spoke last July to the Federal Trade Commission.

"This type of marketing is just insane," said April Jordan of Mesquite, Texas.

A transcript she submitted of the inmate's seven-and-a half-minute phone call with her daughter revealed what can happen when inmates are allowed to speak with the general public, she said.

Inmate: "Do you want to talk to me for a minute? I'm a really cool guy. I'm cute, too."

Girl: "Really?"

Inmate: "Um hum."

Girl: "Really? I do not even know who you are."

Inmate: "How old are you?..."

Girl: "14"

Inmate: "Yeah, I can talk to you..."

Jordan said when she later told her daughter she had been talking with an inmate, her daughter said, "but I thought prisoners only got one phone call."

Utah closed its prison call center in July 2000, five months after this conversation took place.

"The guy didn't identify himself and he didn't have to," Jordan said. "The people who hire the inmates are just looking at the bottom line."

But program supporters believe that prison call centers offer inmates unique opportunities to gain important job skills and self esteem -- two things that are necessary for successful integration back into society when they are released.

"Of course they are in prison, but not every one in prison is untrustworthy," said Pauline Brennan, assistant professor of criminal justice at the University of North Carolina, Charlotte. "People who remain in society may also be untrustworthy."

Brennan said she thinks convicts need to be given a chance to interact with the public.

"Unfortunately, one or two infamous and atypical cases often spoil the broth," she said. "I think that recidivism [re-imprisonment] rates would be lower if members of society were more accepting of offenders, by allowing inmates to be a part of society, however limited that membership may be."

## **Inmates may hit the phones**

State prisoners will become telemarketers if contract is approved

By **Arthur Kane**  
Denver Post Capitol Bureau

**Wednesday, April 10, 2002** - Colorado murderers, rapists and thieves soon may be calling people in other states to sell them magazine subscriptions.

The Colorado Department of Corrections is negotiating a contract with an out-of-state marketing company to use 170 Sterling Correctional Facility prisoners to sell subscriptions around the country, department spokeswoman Alison Morgan said.

Some members of the House Republican caucus said Tuesday that it was a bad idea to have criminals calling people at home as part of the prison's program to teach inmates job skills. They tried unsuccessfully to get it pulled from the state's budget.

"If you're looking for a truly lifelong career, telemarketing isn't it," said House Speaker Doug Dean, a Colorado Springs Republican who once supervised callers in a telemarketing business. "We were lucky to get people to last six weeks. It's a high-stress job."

But the majority of House Republicans opposed a bill that would have halted the proposal. The program could start as soon as this summer if it wins approval from the legislature.

"Prisons have to find something to occupy the prisoners that doesn't compete with private industry and that gives them a skill they can use," said House Majority Leader Lola Spradley, R-Beulah. "That is the balance (the Department of Corrections) is looking at."

Morgan said the convict-telemarketing program would have safeguards that other programs do not, including automatic dialing to make sure prisoners don't know where they are calling. Non-prisoners would complete transactions, such as taking credit-card information from subscribers.

Colorado prisoners also would not call people in the state. But other states, including Montana and New Mexico, are using prisoners in a similar program who may be calling Colorado residents, Morgan said.

Westminster resident Bill Shultz was one of the first people to put himself on the state's no-call list, but he said it was still a bad idea.

"Anybody having any calls from a prison is going to be very upset," Shultz said.

Morgan said the Federal Communications Commission is deciding whether to ban prisoners from telemarketing jobs because of past abuses. FCC officials could not be reached for comment.

Utah stopped a similar program in 2000 after a prisoner tried to contact teenage girls in other states.

But the Department of Corrections is going forward with the program unless the FCC bans it because it believes there are adequate safeguards, Morgan said.

Colorado's 2002-03 budget proposal estimates that the contract will bring in \$561,000 in the fiscal year starting July 1. The program would require six full-time employees to monitor prisoners.

The \$13 billion budget is making its way through the legislature.

## **Complaints torpedo prison telemarketing**

By Arthur Kane  
Denver Post Capitol Bureau

**Thursday, April 11, 2002** - Republicans vowed to kill a proposal that would allow murderers to make telemarketing calls from prison after outraged Coloradans citizens called the governor's office Wednesday. Staffers in Gov. Bill Owens' office received several complaints about the proposal, but they did not have an exact count, spokesman Dan Hopkins said.

The Colorado Department of Corrections had planned to contract with a marketing firm to allow 170 Sterling Correctional Center prisoners, including murderers and rapists, to sell magazine subscriptions by phone.

But House Majority Leader Lola Spradley, R-Beulah, who initially supported the proposal, said Wednesday that it just isn't worth it.

"I'm withdrawing it because of all the activity we've seen on this," Spradley said. Callers "were worried that inmates were going to call them without understanding the safeguards."

The Denver Post published a story about the proposal in Tuesday's paper. The Republican Caucus voted 20-5 Wednesday to kill the \$562,000 contract from the 2002-03 state budget.

Rep. Brad Young, a Lamar Republican who chairs the Joint Budget Committee, said lawmakers initially questioned the program but thought it would be a good way to keep inmates employed.

The program, which operates in five prisons in Montana and two in New Mexico, dials phone numbers by computer, so prisoners never see the numbers. People wanting to order magazines are transferred to nonconvict marketing representatives, so inmates do not get credit card numbers.

Prisoners also are allowed to call only outside the state. That means felons from Montana and New Mexico could still call Coloradans.

**Officials said the Federal Communications Commission is considering a ban on such programs.**

## **Conclusion**

As shown within these pages, no monitoring system or guideline(s) can protect our children from inmates who have access to the public. The responsible state prisons that have chosen to protect and serve the public by discontinuing these programs should serve as an example for the rest of the states. If it is not acceptable to place families at risk in one state, why should the value of life be less in another state?

I beseech those with foresight and courage to abolish the practice of using inmates within the telemarketing industry.

If, with all the evidence before you, and with victims imploring you to protect the innocent, you believe it is still in the best interest of our children to continue this practice, then you must impose a mandatory full disclosure.

Dated December 8, 2002.

Respectfully submitted,

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